

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-11172-GAO

ERIN C. CONWAY,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner, Social Security Administration,
Defendant.

ORDER
September 30, 2013

O'TOOLE, D.J.

The Commissioner of the Social Security Administration denied Erin Conway's application for Social Security Disability Insurance ("SSDI") benefits and Supplemental Security Income benefits ("SSI"). The parties have cross-moved to reverse and alternatively to affirm the Commissioner's decision.

After review of the parties' submissions and the full administrative record, I conclude that this matter must be remanded to the Commissioner so that the Administrative Law Judge ("ALJ") may give a fuller explanation of his evaluation of the record and his conclusions that follow from that evaluation. In particular, while the ALJ appropriately paid close attention to the notes and assessments by licensed medical doctors as "acceptable medical sources," it appears that none of those doctors had a sustained therapeutic relationship with the claimant. In contrast, the record contains sustained encounter with the claimant by various other counselors who are not classified as "acceptable medical sources." The ALJ was entitled to regard fully licensed doctors as more reliable sources of medical assessment in general. However, the limited extent of

their contact with the claimant may call into question the degree to which their observations are helpful to a determination of the issues in light of the full record of this case. I note especially the following guidance:

[D]epending on the particular facts in a case, and after applying the factors for weighing opinion evidence, an opinion from a medical source who is not an “acceptable medical source” may outweigh the opinion of an “acceptable medical source,” including the opinion of a treating source. For example, it may be appropriate to give more weight to the opinion of a medical source who is not an “acceptable medical source” if he or she has seen the individual more often than the treating source and has provided better supporting evidence and a better explanation for his or her opinion.

SSR 06-03p, 2006 WL 2329939, at *5 (Aug. 9, 2006) (“Titles II and XVI: II and XVI: Considering Opinions and Other Evidence from Sources Who Are Not ‘Acceptable Medical Sources’ in Disability Claims; Considering Decisions on Disability by Other Governmental and Nongovernmental Agencies”).

The ALJ may fulfill the mandate of this remand on the basis of the existing record or may, in his discretion, invite and receive additional evidence and/or argument.

This matter is REMANDED in accordance with this Order.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge